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THE HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

STATEMENT FOR THE RECORD ON THE PHOENIX PROGRAM

BY

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On July 15, the members of the Subcommittee devoted considerable attention to the Phoenix program. I have thus prepared the following statement in an attempt to put this program in perspective. It supplements the rather detailed and extensive testimony I provided on the same subject to the Senate Foreign Relations Committee in February 1970.

The Phoenix program of the Government of South Vietnam is designed to protect the Vietnamese people from terrorism and political, paramilitary, economic and subversive pressure from the Communist clandestine organization in South Vietnam. The Viet Cong Infrastructure, or VCI, is the leadership apparatus of the Communist attempt to conquer the Vietnamese people and Government. The VCI supports the military operations of the Viet Cong and North Vietnamese Army units by providing intelligence, recruits or conscripts and logistics support. It also directs and implements a systematic campaign of terrorism against Government officials, locally elected leaders and the general population. The result of this terrorism is as follows:

VC TERRORISM

	<u>Incidents</u>	<u>Killed</u>	<u>Wounded</u>	<u>Abducted</u>
1969	10,526	6,097	15,074	6,097
1970	11,680	5,951	12,588	6,872
1971 (May)	4,526	2,470	4,701	3,257

The Phoenix program is an integral part of the Vietnamese Government's war effort to bring security to its people since the VCI is a key element of the Communist war effort.

The Phoenix program includes an intelligence program to identify the members of the VCI, an operational program to apprehend them, a legal program to restrain them and a detention program to confine them.

INTELLIGENCE

The Phoenix program assembles intelligence on the VCI from all sources. Thus the National Police, the People's Self-Defense Force, the military and the village governments are charged with collaboration to develop a full picture of the VCI at the various levels. This material is drawn together primarily in District Intelligence and Operations Centers. Special dossiers have been produced to assemble the information in the most usable manner. The Phoenix program at each level is under the direct supervision of the appropriate government official; i.e., village chief, district chief, province chief, etc. The national Phoenix staff has been made a part of the National Police Command.

OPERATIONS

Similar cooperation among all services is required in operations against the VCI. Thus the National Police, the Regional and Popular

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forces, the People's Self-Defense Force and the Chicu Hoi program conduct joint and independent operations against VCI individuals and units as a part of the war effort. Goals have been established over the past several years for the reduction of VCI strength. These goals have been refined in order to focus the action on the higher level and more significant VCI. The Phoenix program is not a program of assassination. In the course of normal military operations or police actions to apprehend them, however, VCI are killed as members of military units or while fighting off arrest. The Phoenix program has been widely publicized in Vietnam as a program to protect the people against terrorism and participation by local leadership and the population has been encouraged. "Wanted" posters have been circulated to enlist public assistance in the apprehension of VCI, although the posters point out to the individual that he may rally under the Chicu Hoi program and be free of any punishment. The following figures give the results of the program over the past several years:

PHOENIX OPERATIONS AGAINST VCI

	<u>Captured</u>	<u>Rallied</u>	<u>Killed</u>	<u>Total</u>
1968	11,288	2,229	2,559	15,776
1969	8,515	4,832	6,187	19,534
	<u>Sentenced</u>			
1970	6,405	7,745	8,191	22,341
1971 (May)	2,770	2,911	3,650	9,331

LEGAL PROCEEDINGS

A VCI member is subject to formal trial by military court or to an emergency detention procedure established by GVN legislation, analogous to the procedure used in many other countries in times of emergency. This "An Tri" procedure authorizes the detention of an individual after a review of his case by a Province Security Committee, consisting of the Province Chief, the Public Prosecutor, the Chairman or a member of the elected Province Council and other local security officials. A variety of improvements in these procedures have been made in the past three years, to include time limits on preparation of cases, advising elected village leaders of all cases occurring in their village for passage to families, a conditional release or parole system, the assignment of public prosecutors to additional provinces to improve the workings of the Province Security Committees and closer supervision of the Committees. Further improvements are under consideration by the Vietnamese Government.

DETENTION

Communist offenders are detained in National Police Detention Centers or the Correction Centers of the Ministry of Interior. The Subcommittee has previously been informed of the program to improve conditions in these correction and detention centers. This has not only included physical improvements to the facilities but also improvements in their procedures.

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U.S. ROLE

The United States through CORDS has provided advice and assistance to the Phoenix program. This currently includes approximately 637 U.S. military personnel working with the Phoenix centers at the district, province, region and national levels. It also includes a very few U.S. civilian personnel. Of course advisors with the military units, the National Police, the Chieu Hoi program, etc., advise and assist their respective service in its normal role, which includes support of the Phoenix program. Over the past three years, U.S. support has been provided for the Phoenix program, principally for construction and office equipment expenditures for the district centers:

U.S. SUPPORT OF PHOENIX

	<u>U.S. Counterpart</u> (VN millions)	<u>U.S. \$ Equivalent</u> (millions @ 118/1)
1968	179	1.53
1969	172	1.46
1970	45	.38
1971 (May)	<u>43</u>	<u>.36</u>
	439	3.72

These figures do not include advisory personnel costs which have not been quantified.

CONCLUSION

The Phoenix program is an essential element of Vietnam's defense against VCI subversion and terrorism. While some unjustifiable abuses have occurred over the years, as they have in many countries, the Vietnamese and U.S. Governments have worked to stop them, and to produce instead professional and intelligent operations which will meet the VCI attack with stern justice, with equal stress on both words. Considerable evidence has appeared from enemy documents and from former and even current members of the enemy side that, despite some weaknesses, the program has reduced the power of the VCI and its hopes for conquest over the people of South Vietnam. Phoenix is an essential part of the GVN's defense as the VCI is to the Communist attack. U.S. support is fully warranted.